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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,195	05/11/2001	Franc J. Camara	205720	5892
23460	7590	08/23/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			LAO, SUE X	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,195

Applicant(s)

CAMARA ET AL.

Examiner

S. Lao

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 15-18 is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/3/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-18 are presented for examination.

3. This application is co-pending with other applications such as 09/809,237 and 10/086,927. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al (U S Pat. 6,662,241) in view of Keller et al (U S Pat. 5,752,032).

As to claim 11, Bauer teaches performing steps to control a hardware device (peripheral device 230) connected to a computer system to perform operations in response to requests by an application running on the computer system, comprising:

receiving a request (request) from the application (client application) to perform a requested operation by the hardware device (peripheral device);

accessing a driver script (retrieve script from script library) for the hardware device, the driver script containing a plurality of programming instructions (lines of the script) defining operational behavior of the hardware device (configure a peripheral device), the programming instructions calling functions for communicating with and controlling the hardware device (configure and control a peripheral device);

interpreting (interpreter 214) programming instructions in the driver script pertaining to the requested operation (parse, translate individual lines of the script);
and

invoking functions (execute each of the lines of the script) called by the programming instructions in the driver script pertaining to the requested operation to perform the requested operation, see col. 2, line 28 - col. 3, line 9; col. 4, lines 15 – 45; col. 4, line 65 – col. 5, line 28. It is noted that the scripts are driver scripts because they are directed to control the peripheral devices. See col. 2, lines 29-30.

Bauer teaches computer-readable instructions stored in a computer readable medium for performing above steps (col. 6, line 1).

Bauer does not teach the functions are provided through system-provided objects.

Keller teaches providing functions through system-provided objects (hardware interface objects). See col. 4, lines 13-24. Therefore, it would have been obvious to provide functions through system-provided objects in Bauer. One of ordinary skill in the art would have been motivated to combine the teachings of Bauer and Keller because this would have provided modularity and dynamic reconfiguration (Keller, col. 3, line

14-17) which is desirable in Bauer who operates different types of peripheral devices (Bauer, col. 2, lines 43-50).

As to claims 12 and 13, Bauer teaches the peripheral devices under control includes other devices (col. 2, lines 43-50). Therefore, it would have been obvious to include an image-capturing device, or a scanner into such devices under control of Bauer as modified by Keller.

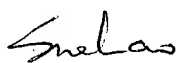
As to claim 14, Bauer as modified by Keller teaches exporting the system-provided objects called by the programming instructions in the driver script (Keller, expose hardware functionalities through the device driver architecture, col. 3, lines 18-37; col. 9, line 14 – col. 10, line 14). Note discussion of claim 11 for a motivation to combine.

6. claims 1-10, 15-18 are allowed.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The examiner's supervisor, SPE Meng-Ai An, can be reached on (703) 305 9678. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Sue Lao



August 20, 2004

SUE LAO
PRIMARY EXAMINER